

Green (S. A.)

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NORTHERN BOUNDARY OF MASSACHUSETTS
IN ITS RELATIONS TO
NEW HAMPSHIRE:

A PART OF THE COUNCIL'S REPORT MADE TO THE AMERICAN
ANTIQUARIAN SOCIETY AT WORCESTER,
OCTOBER 21, 1890,

BY

SAMUEL A. GREEN, M.D.



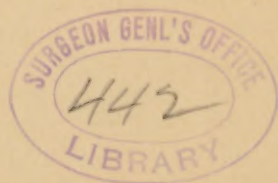
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Worcester, Mass.
PRESS OF CHARLES HAMILTON,
311 MAIN STREET.
1891.



THE NORTHERN BOUNDARY OF MASSACHUSETTS IN ITS RELATIONS TO NEW HAMPSHIRE.

THE Colonial Charter of Massachusetts Bay, granted by Charles I., under date of March 4, 1628-9, gave to the Governor and other representatives of the Massachusetts Company, on certain conditions, all the territory lying between an easterly and westerly line running three miles north of any part of the Merrimack River and extending from the Atlantic Ocean to the Pacific, and a similar parallel line running three miles south of any part of the Charles River. To be more exact, and to quote the *ipsissima verba* of the original instrument, the bounds of this tract of land were as follows:—

All that parte of Newe England in America which lyes and extendes betweene a great river there comonlie called Monomack river, alias Merrimack river, and a certen other river there called Charles river, being in the bottome of a certen bay there comonlie called Massachusetts, alias Mattachusetts, alias Massatusetts bay: And also all and singuler those landes and hereditaments whatsoever, lyeing within the space of three Englishe myles on the south parte of the saide river called Charles river, or of any or every parte thereof: And also all and singuler the landes and hereditaments whatsoever lyeing and being within the space of three Englishe myles to the southward of the southermost parte of the said baye called Massachusetts, alias Mattachusetts, alias Massatusetts bay: And also all those lands and hereditaments whatsoever which lye and be within the space of three English myles to the northward of the saide river called Monomack, alias Merrymack, or to be norward of

any and every parte thereof, and all landes and hereditaments whatsoever, lyeing within the lymitts aforesaide, north and south, in latitude and bredth, and in length and longitude, of and within all the bredth aforesaide, throughout the mayne landes there from the Atlantick and westerne sea and ocean on the east parte, to the south sea on the west parte :

Without attempting to trace in detail, from the time of the Cabots to the days of the Charter, the continuity of the English title to this transcontinental strip of territory, it is enough to know that the precedents and usages of that period gave to Great Britain, in theory at least, undisputed sway over the region, and forged every link in the chain of authority and sovereignty. It has been claimed that the rights and privileges given by the contract conflicted with those already granted by the Crown to Sir Ferdinando Gorges and his son Robert and to John Mason ; but I do not purpose now to enter on the discussion of that question.

At that time it was supposed that America was a narrow strip of land,—perhaps an arm of the continent of Asia,—and that the distance across from ocean to ocean was comparatively short. It was then known that the Isthmus of Darien was narrow, and it was, therefore, incorrectly presumed that the whole continent also was narrow. New England was a region about which little was known beyond the slight examinations made from the coast line. The rivers were unexplored, and all knowledge concerning them was confined to the neighborhood of the places where they emptied into the sea. The early navigators thought that the general course of the Merrimack was easterly and westerly, as it runs in that direction near the mouth ; and their error was perpetuated inferentially by the words of the Charter. By later exploration this strip of territory has since been lengthened out into a belt three thousand miles long. It crosses a continent, and includes within its limits various large towns of the United States. The cities of Albany, Syracuse, Rochester, Buffalo, Detroit and Milwaukee all lie

within the zone. There have been many social and commercial ties between the capital of New England and these several municipalities, but in comparison with another bond they are of recent date, as the ground on which they stand was granted to the Massachusetts Company by the Charter of Charles I., more than two hundred and sixty years ago.¹

Through this misapprehension in regard to the course of the Merrimack River, there have arisen certain disputes over the boundary line between the adjoining States of Massachusetts and New Hampshire, which are not yet settled even in our time. The royal grant comprised a large tract of land, which was then a dense wilderness, situated outside of Christendom. After the lapse of some years the settlers took steps to find out the territorial boundaries of the Colony on the north in order to establish the limits of their jurisdictional authority. To this end at an early day a Commission was appointed by the General Court, composed of Captain Simon Willard and Captain Edward Johnson, two of the foremost men in the Colony at that time. Captain Willard was a native of Kent, England, and came to Massachusetts in the year 1634. He lived first at Cambridge and Concord, then at Lancaster, from which town about the year 1671 he removed to Groton, and in all these places he exerted a wide influence. In his day he filled various civil offices, and was a noted military man, holding a major's commission. His farm in Groton was situated at

¹ Some of the early records of the Massachusetts Company are printed in the "*Archæologia Americana*" (iii. 1-107) of this Society; and on page 103 of the copy there is a singular error in the reading of a word in the original text. It occurs in the Company's second Letter of Instructions to Endicott and his Council, where reference is made to "Hookes, Lynes, knives, bootes and Barrells." An examination of the original manuscript in the Suffolk Registry of Deeds shows the last quoted word to be "Barvells." According to the *Century Dictionary*, now in the course of publication, this word means "a kind of leather apron,"—an article that might well go with the other items mentioned. It is correctly given in the "*Records of the Governor and Company of the Massachusetts Bay*" (i. 404), as edited by our late associate, Dr. Nathaniel Bradstreet Shurtleff, as well as in the "*Suffolk Deeds*" (i. xviii), where it is again printed.

Nonacoicus, now within the limits of Ayer; and his dwelling-house was the first building burned at the attack on the town, March 13, 1676, in Philip's War. During several months previously Major Willard had been engaged with his command in scouting along the line of frontier settlements and protecting the inhabitants. At this assault he came with a company of cavalry to the relief of the town, though he did not reach the place in time to be of service in its defence. He died at Charlestown on April 24, 1676, a very few weeks after Groton was abandoned. Major Willard was the ancestor of two presidents of Harvard College, and of our late associate, Joseph Willard, Esq., who for twenty years was one of the Councillors of this Society.

Captain Johnson, the other Commissioner, was also a Kentish soldier, and at the date of his appointment a member of the General Court. He first came to New England with Governor Winthrop during the summer of 1630, though at that time he did not tarry a great while; but a few years later he returned with his family, and remained until the time of his death. In the early Colonial Records his name appears always with the prefix of "Mr.," which shows that he was a man of property and social position. He was actively engaged in the settlement of the town of Woburn, where he held both civil and ecclesiastical offices. For more than twenty-five years he represented the town in the House of Deputies, and for one year was the speaker. He was the recorder of the town from the date of its incorporation until his death, which took place on April 23, 1672. At the present time he is known mainly by his *History of New England*, a quaint work entitled "*Wonder-Working Providence of Sion's Saviour in New England*," which was first published in the year 1654. It contains many facts concerning the early settlement of the country not found elsewhere, and forms an important addition to our historical literature.

Such were the two men constituting the Commission, who

were to interpret the meaning of the Charter in reference to the northernmost boundary of the Colony, and to say where the line should be drawn. They derived their authority from the action of the General Court, found in the records as follows :—

The 31th of the 3^d moth. 1652 on pvsall of o^r Charter it woos this day voted by the whole court That the extent of the Line is to be from the Northernmost part of y^e Riuer Merimacke & Three miles more North where it is to be found be it an hundred miles more or less from the sea & Thence vppon a streyght line east & west to each sea & this to be the True interpretatiō of the Termes of the Lymitte Northward granted in the Patent (III. 347)

ffor the better discouery of the North Line of o^r pattent It is ordred by this Court That Capt. Symon Willard & Capt. Edward Johnson be appoynted as Comissione^{rs} to peure such Artists & other Assistants as they shall Judge meete to goe with them to find out the most Northerly part of Merimacke Riuer & that they be supplied with all manner of nessessaryes by the Treasurer fitt for this Journey & that they vse their vttmost skill & abillitie to take a true obseruation of the Latitude of that place & that they doe it with all Convenient speed and make returne thereof to the next session of this court (III. 353)

The order appointing the Commission, just given, was passed on a day subsequent to May 31, 1652, although, in the printed edition of the Colonial Records, it appears to be of that date. In the early history of Massachusetts the proceedings of the General Court, as a rule, are not dated day by day,—though there are many exceptions,—but the beginning of the session is always given, and occasionally the days of the month are also given. These dates in the printed edition of the Colonial Records are often carried along without authority, at times extending over a period of several days, or even a week or more; and for this reason, in some instances, it is impossible to learn the exact date of particular legislation, unless there are contemporaneous papers bearing on the subject. The vote and the

order, as found in the records, are separated by six manuscript pages, which would imply several days of ordinary business between the passage of the two. It will be seen that the Commissioners were empowered under the order, to engage "such Artists & other Assistants," as were needed for the purpose. In early times a surveyor was called an artist, and in old records the word is often found with that meaning. Under the authority thus given, the Commissioners employed Sergeant John Sherman, of Watertown, and Jonathan Ince, of Cambridge, to join the party and do the scientific work of the expedition.

Sergeant Sherman was a land surveyor, and a prominent inhabitant of Watertown. He was often chosen a selectman, and for many years the town-clerk, besides being several times elected to the Legislature. He was the great-grandfather of Roger Sherman, one of the signers of the Declaration of Independence, and the ancestor, on his mother's side, of the junior Vice-President of this Society.

Jonathan Ince, the other "artist," was a graduate of Harvard College in the Class of 1650, who, after taking the degree of Bachelor of Arts, remained at Cambridge for more than three years. During this period he appears to have been acting in various capacities connected with the institution, and, like an undergraduate, he was regularly charged for the usual small items in the college accounts. In a certain way he was the confidential clerk of President Dunster, and at the date of his appointment by the Commission he was filling the butlership of the College, a position which placed him in charge of the commons. A few years afterward, — according to our late associate, the Reverend Dr. Joseph Barlow Felt, in his "Ecclesiastical History of New England" (II. 163), — the Apostle Eliot wrote a letter to the Treasurer of the Missionary Corporation, in which he recommended Ince "as a godly young man, a scholar who hath a singular faculty to learn and pronounce the Indian tongue."

The two surveyors were allowed "a daily stipend of ten shillings in the best pay of the country"; and it is known that the whole party proceeded up the Merrimack River by boat as far as the outlet of Lake Winnepissaukee. The expedition consisted of eight or ten men, including several Indian guides or "pilatts," and started, it is supposed, from some place in what is now Lowell, probably above Pawtucket Falls. When they reached the confluence of the two rivers in the present town of Franklin, New Hampshire, they followed up the eastern branch, as being at that season of the year the larger stream, and soon they came to the outlet of the lake, at The Weirs. In this neighborhood the Commissioners considered the source of the river to be; and in their report made a few weeks later to the General Court they gave it "the name of the head of Merremack." The place has now been called for many years "The Weirs," so named from the fact that the Indians, from very early times, had weirs set in the stream at this point for the catching of fish. It is a spot very favorable for the purpose, as it is the only outlet to the lake, and all the water within this large body flows through a narrow channel into the river. Through the clear and limpid water the remains of these weirs are still distinctly seen at the bottom of the lake, where they have rested for many generations. Near by there is now a small settlement, a favorite spot during the summer season for Old Soldiers' reunions, camp meetings and conventions, as well as a resort for tourists. This village is known as The Weirs, and comes within the township of Laconia.

In October, 1652, the Commissioners made a return to the General Court, giving the result of their labors, and including the affidavits of the two surveyors. According to this report they fixed upon a place then called by the Indians "Aquedahatan" as the head of the Merrimack River. By due observation they found the latitude of this spot to be $43^{\circ} 40' 12''$; and the northern limit of the patent

was three miles north of this point. Their report is as follows:—

Captajne Symon willard & Captajne Edward Johnson a comitte Appointed by the last Gennerall Court to procure Artists to Joyne wth them to finde out the most Northerly part of Merremacke Riuer Respecting the lyne of our Patent having procured Sarjeant John Sherman of water Toune & Jonathan Ince student at Harvard Colledge as Artists to goe Along wth them made their Retourne of what they had donne and found. viz John Sherman and Jonathan Ince on their oathes say that at Aquedahtan the name of the head of merremack Where it Issues out of the lake called winnapuscakit vppon the first day of August one thousand sixe hundred fifty two wee observed and by observation found that the Lattitude of the place was fourty three degrees forty minutes and twelve seconds besides those minutes which are to be allowed for the three miles more North which runn into the lake In witnes whereof they have subscribed their names this nineteenth of october one thousand sixe hundred fifty and two Ju^r. Cor me Jn^r Endecot. Guber^r. Jn^o Sherman. Jonathan Ince.

The said Comissioners brought in their bill of chardge which they expended & pmised on & to those that went that Journey to finde out the most northerly part of merremacke which was twenty eight pounds twelve shillings and tenn pence which the Court allowed and ordered that the psons concerned should be sattisfied out of the Rate according as they were pmised And further doth Order the Treasurer to Sattisfy to Captajne willard and Captajne Johnson twenty markes a peece for their pajnes:/:¹

(General Court Records, IV. 103.)

Lying on the bed of the stream, near the outlet of the lake, and projecting above the surface, is a large granite boulder running north and south, perhaps seven feet long, which is a conspicuous object as seen from the shore. For a guess, it is a hundred feet from the western bank, and a hundred and twenty-five feet from the eastern bank; and at low water, even before the stone was raised, it was always uncovered. This rock caught the eye of the Commis-

¹ A mark is an old English coin, valued at 13^s 4^d sterling, or about \$3.22.

sioners, and at once was taken by them as the head of the Merrimack; and, in token of their official authority, it was marked on the upper surface with the following letters:—

EI SW
 WP IOHN
 ENDICVT
 GOV

These letters are roughly cut, but with moderate care can easily be made out. From the action of the elements and the discoloration by time, their edges are somewhat worn, but they are still fairly distinct. They are about four inches in height, though they vary somewhat, and are read from the west side of the rock. The initials in the first line are those of the two Commissioners, Edward Johnson and Simon Willard, while the rest of the inscription gives the name of the Governor of Massachusetts at that period. Without doubt the letters "WP" stand for Worshipful, a title of dignity given in early times to persons of high official station. Formerly the bowlder, now known as the Endicott Rock, was somewhat lower in the bed of the stream, and its upper surface was exposed for the most part during the summer season only, but about six years ago it was raised two or three feet and blocked underneath, so that the inscription cannot now be covered by water. The Rock was considered at that time to be of so much public interest that the Senate and House of the State of New Hampshire, on September 7, 1883, passed a joint Resolution, appropriating the sum of \$400 for its better preservation and protection; and under this authority the raising was done. These changes appear to have been suggested first in the "Boston Daily Advertiser," July 26, 1850, by a correspondent who signs himself "F. J."¹ A crack or split, made perhaps at the time of the raising, passes through the long diameter of the stone; and in order to

¹ A misprint in the newspaper for "F. I.," the initials of Frederic Ingham, the pseudonym of our associate Rev. Dr. Hale, who wrote the article.

protect it further, a large iron bolt has been put through the short diameter, with heavy nuts screwed on at each end. Its dimensions, speaking roughly, are seven feet in length, six feet in width, and five feet in height. The boulder is situated on the property of the Winnepissiogee Lake Cotton and Woollen Manufacturing Company, who use the lake as a storage basin, and in dry season draw upon it for a supply of water. About ten years ago, with due foresight, this Company had seven casts in plaster taken of the inscription. One of these was given to the cabinet of the Massachusetts Historical Society, on March 12, 1881; another to the Peabody Museum of American Archaeology at Cambridge; a third to the New Hampshire Historical Society; a fourth to the Proprietors of the Locks and Canals on Merrimack River, whose office is in Lowell; a fifth to the Essex Company at Lawrence; a sixth to the Winnepissiogee Lake Cotton and Woollen Manufacturing Company at Lake Village; and a seventh to the Long Island Historical Society at Brooklyn.

It is somewhat singular that the existence of this inscription and of the Rock as a memorial stone should have been lost sight of for more than a century and a half, and entirely forgotten, as is the fact. The letters were cut either in July or August, 1652; and there is no subsequent allusion or reference to them until they were brought to light anew in a letter of Colonel Philip Carrigain written to John Farmer, Esq., the antiquary. This communication is printed in the "Collections of the New Hampshire Historical Society" (IV. 194-200), and gives some interesting details in connection with the discovery. The volume was published in the year 1834; and the letter, which is undated, was written near that time, probably in the autumn of 1833. A dam was made across the outlet to the lake, in order to clear the channel so that a steamboat—then recently built—might pass to a winter harbor at Lake Village five miles below. During the excavation the rock and inscrip-

tion were first noticed by Daniel Tucker, Esq., and Mr. John T. Coffin, President and Cashier, respectively, of the Wimpisiogee Bank at Meredith, and by them reported to Colonel Carrigain, who hastened to visit the spot, and who promptly communicated the discovery to Mr. Farmer, then a member of this Society. At that time The Weirs came within the limits of Meredith, as Laconia had not yet been set off as a separate township. It is an interesting fact to note that Colonel Carrigain, in his letter, first suggested that the stone be called the Endicott Rock, a name by which it has since been known.

On the second day of last August, during a very delightful drive through parts of Vermont and New Hampshire, in company with the Honorable George Lewis Balcom, of Claremont, I visited this interesting boulder. It is situated a short distance below the railroad station, and just above the bridge leading from The Weirs to the other side of the river, and easily accessible by a boat. The stone is the earliest public monument found within the limits of New England which was made by the English settlers, and as such is worthy to be kept in mind. For nearly two centuries and a half the inscription has battled the storms of all seasons, and now bids fair to withstand them for ages to come. The State of New Hampshire showed a due regard for right sentiment when she made an appropriation to preserve and protect such an historical relic.

The northern boundary of the original grant to the Colony of Massachusetts Bay, as has been shown, was based on a misapprehension; and this ignorance of the topography of the country on the part of the English authorities afterward gave rise to considerable controversy between the adjoining Provinces of Massachusetts and New Hampshire. So long as the territory in question remained unsettled, the dispute was a matter of little practical importance; but after a time it led to much confusion and assumed grave proportions. Grants made by one Province clashed with those

made by the other ; and there was no ready tribunal to pass on the claims of the two parties. Towns were chartered by Massachusetts in territory claimed by New Hampshire ; and this action was the cause of bitter feeling and provoking legislation. Massachusetts contended for the tract of land “ nominated in the bond,” which would carry the jurisdictional line fifty miles northward, into the very heart of New Hampshire ; and, on the other hand, that Province strenuously opposed this view of the case, and claimed that the line should run, east and west, three miles north of the mouth of the Merrimack River. In order to settle these conflicting claims, a Royal Commission was appointed to consider the subject and establish the contested line. The Commissioners were selected from the Councillors of the Provinces of New York, New Jersey, Nova Scotia, and Rhode Island,—men supposed to be free from any local prejudices in the matter and impartial in their feelings ; and, without doubt, they were such. The Board—as appointed under the Great Seal—consisted of nineteen members, although only seven served in their capacity as Commissioners. They met at Hampton, New Hampshire, on August 1, 1737 ; and for mutual convenience the Legislative Assemblies of the two Provinces met in the same neighborhood,—the Assembly of New Hampshire at Hampton Falls, and that of Massachusetts at Salisbury, places only five miles apart. This was done in order that the claims of each side might be considered with greater despatch than they would otherwise receive. The General Court of Massachusetts met at Salisbury in the First Parish Meeting-house on August 10, 1737, and continued to hold its sessions in that town until October 20 inclusive, though with several adjournments, of which one was for thirty-five days. The printed Journal of the House of Representatives, during this period, gives the proceedings of that body, which contain much in regard to the controversy besides the ordinary business of legislation. Many years previously the two

Provinces had been united, so far as to have the same Governor,—at this time Jonathan Belcher,—but each Province had its own legislative body and laws. Governor Belcher was a native of Cambridge; and in the discussion of these matters his prejudices and sympathies appear to have been with Massachusetts. To a disinterested person, one hundred and fifty years afterward, it seems as if the Trojan and Tyrian had not been treated by him with the same discrimination.

The Commissioners heard both sides of the question, and agreed upon an award in alternative, leaving to the King the interpretation of the charters given respectively by Charles I., and William and Mary. Under one interpretation the decision was in favor of Massachusetts, and under the other in favor of New Hampshire; and at the same time each party was allowed six weeks in which to file objections. Neither side, however, was satisfied with this indirect decision, when the whole matter was taken to the King in Council. Massachusetts claimed that the Merrimack River began at the confluence of the Winnepisaukee and the Pemigewasset Rivers, and that the northern boundary of the Province should run, east and west, three miles north of this point. It is true that this line was somewhat to the southward of the one proposed by the Colonial Commissioners in the summer of 1652; but at the time of the dispute the relative size of the two rivers was better understood. On the other hand, New Hampshire claimed that the intention of the Charter was to establish a northern boundary on a line, running east and west, three miles north of the mouth of the Merrimack River. In this controversy Massachusetts seems to have based her claim on the letter of the contract, while New Hampshire based hers on the spirit of the contract.

The strongest argument in favor of Massachusetts is the fact that she had always considered the disputed territory as belonging within her jurisdiction; and before this period

she had chartered twenty-four towns lying within the limits of the tract. These several settlements all looked to her for protection, and naturally sympathized with her during the controversy.

To offset this statement in favor of Massachusetts, I will give the following extract from "A Summary, Historical and Political, of the first Planting, progressive Improvements, and present State of the British Settlements in North-America" (Boston, 1749), a work written by Dr. William Douglass. The author was a noted physician of Boston during the last century, of whom it was once wittily said that he was always positive and sometimes accurate :—

A few Years since, the General Assembly of the *Massachusetts-Bay*, was in the Humour of distributing the Property of much vacant or Province Land ; perhaps in good Policy and Foresight, to secure to the *Massachusetts* People, by Possession, the Property of Part of some controverted Lands ; accordingly it came to pass, that upon a royal Commission from the Court of *Great-Britain*, to determine this Controversy, the Jurisdiction but not the Property was allotted to *New-Hampshire*, or rather to the *Crown* (I. 424).

As just stated, neither party was satisfied with the verdict of the Royal Commissioners, and both sides appealed from their judgment. The matter was then taken to England for a decision, which was given by the King on March 4, 1739–40. His judgment was final, and in favor of New Hampshire. It gave that Province not only all the territory in dispute, but a strip of land fourteen miles in width lying along her southern border—mostly west of the Merrimack—which she had never claimed. This strip was the tract of land between the line running east and west three miles north of the southernmost trend of the river, and a similar line three miles north of its mouth. By the decision many townships were taken from Massachusetts and given to New Hampshire. It is said that the King reprimanded Governor Belcher for the partisan way in which he pre-

sented his side of the case, and this fact may have biassed his Majesty. The settlement of the disputed question was undoubtedly a public benefit, although it caused at the time a great deal of hard feeling.

In establishing the new boundary west of the Merrimack, Pawtucket Falls—situated at the present time in the city of Lowell, and near the southern portion of the river's course—was taken as the starting-place; and the line which now separates the two States was run west three miles north of this point. It was surveyed officially in the spring of 1741, with reference to the settlement of the dispute according to the King's decree. Concerning the boundary east of the Merrimack there was but little controversy, as the river was a good guide in the matter, although there were a few minor points under discussion. After the King's decision was rendered, the question of expense came up in regard to the surveys and the marking of the line. It seems to have been generally understood that the entire cost of these preliminary steps should be borne by the Province of Massachusetts, but Governor Belcher did not so regard it; and this misunderstanding caused further delay in the settlement of the dispute. George Mitchell was appointed to make the survey from the Atlantic Ocean to the point three miles north of Pawtucket Falls, afterward known as the Boundary Pine, though now the tree has disappeared; and Richard Hazen from the Boundary Pine to the Hudson River. Mitchell worked from a fixed line, as he had to establish a boundary three miles from the Merrimack; but Hazen was to run a straight line through the wilderness with the help of only a compass,—a much harder task than Mitchell's.

Surveys dependent on the compass are always subject to many sources of inaccuracy,—such as the loss of magnetic virtue in the poles of the needle; blunting of the centre-pin; unsuspected local attractions; oversight or mistake as to the secular variation; and variability from the influence

of the sun, known as the diurnal variation. Error from the diurnal variation may amount, in the distance of a mile, to twenty feet or more of lateral deviation. Notwithstanding these difficulties and drawbacks, the accuracy of Hazen's survey has been confirmed to a remarkable degree; and the controversy over the boundary line has been wholly in regard to the variation of the needle which Hazen allowed in making the survey. His journal, fortunately, has been preserved, and is printed in "The New England Historical and Genealogical Register" (XXXIII. 323-333) for July, 1879. It shows the hardships he encountered and the obstructions he met during the progress of the survey, which was begun on March 21, 1741, and ended at the Hudson River, on April 16. In less than four weeks he established a straight line one hundred and nine miles long through an unbroken wilderness, when the ground a large part of the way was covered with snow. At one place, he writes: "The Snow in Generall was near three feet Deep, & where we lodged near five"; and in many other places the snow was between two and three feet deep.

According to the Journal, the surveyors began to measure the line, running three miles due north from the Merrimack, at a place called "The Great Bunt," near the Pawtucket Falls, now in the city of Lowell. This spot lay on the west side of the mouth of Beaver Brook, and was once a noted fishing-ground. Formerly, before the dam was built, the Falls covered a longer stretch of the river than they do at the present time; and a hundred and fifty years ago the entire course of the rapids was probably included under the name of Pawtucket Falls. The designation of "The Great Bunt" has now disappeared from the local nomenclature of that neighborhood, though some of its cognate forms were kept up for a long time. When the same line was re-surveyed in the summer of 1825, it began at a point called the "great pot-hole place," which was presumably the same spot under another name. "Bunt" is a

nautical word applied to the middle part or belly of a sail, as well as to the sag of a net, and perhaps allied to "bent"; and it requires no great stretch of the imagination to see why a cavity or hole in the river was called a "Bunt."

The boundary line between the two Provinces, as established by Hazen, ran straight through the wilderness, over hill and dale, across fields and pastures in a sparsely settled country, frequently cutting off large slices of towns, as well as of farms, and sometimes bisecting them, and suddenly transferring the allegiance of the people from one political power to another. To the plain and sturdy yeomanry it seemed a kind of revolution, which they could not understand. In many instances they were taxed for their lands in adjoining towns, where previously the tax had been paid wholly in one town; and much confusion was created. Even to-day many of the border farms overlap the boundary and lie in both States, and often the owners cannot say exactly where the line should run. A man living near the line once told me that he had paid taxes on the same parcel of land in two different towns,—one in Massachusetts and the other in New Hampshire. Another man living in close proximity to the line has told me during the present autumn that he could not say within several rods where the boundary came. Ordinarily, in agricultural districts, State lines divide the social and religious relations of a community with an edge nearly as clean-cut and distinct as that which separates the political relations. In a great measure the average family is more intimate with those who go to the same religious meeting and with those who belong to the same political party, because there is so much in common between them. But this state of affairs does not hold good to the same extent among the people living along the northern boundary of Massachusetts and the southern boundary of New Hampshire; and I attribute the fact largely to the continuity of local traditions and to the common origin of the original settlers of the neighborhood.

By the new line the following Massachusetts towns between the Merrimack River and the Connecticut, in their geographical order, lost portions of their territory :—

First, Dunstable, a large township originally containing 128,000 acres, and lying on both sides of the river, was so cut in two that by far the larger part came within the limits of New Hampshire. Even the meeting-house and the burying-ground were separated from that portion still remaining in Massachusetts, and this fact added not a little to the animosity felt by the inhabitants when the disputed question was settled. It is no exaggeration to say that throughout the old township the feelings and sympathies of the neighbors on both sides of the line were entirely with Massachusetts. A short time before this period the town of Nottingham had been incorporated by the General Court, and its territory was taken from Dunstable. It comprised all the lands of that town lying on the easterly side of the Merrimack River; and in a great measure the difficulty of attending public worship led to the division. When the new line was established it affected Nottingham, like many other towns, most unfavorably. It divided its territory, and left a tract of land in Massachusetts too small for a separate township, but by its associations and traditions belonging to Dunstable. This tract to-day is that part of Tyngsborough lying east of the river. The larger portion of the town, by the new line, came under the jurisdiction of New Hampshire; but as there was another town of Nottingham in the eastern quarter of that Province, the name was subsequently changed by an Act of Legislature, on July 5, 1746, to Nottingham West; and still later, on July 1, 1830, this was again changed to Hudson. Counting the city of Nashua, there are in the State of New Hampshire at the present time no less than seven towns made up wholly or in part of the territory which was taken from Dunstable by the running of the line.

Secondly, Groton, though suffering much less severely

than Dunstable, lost more land than she cared to spare, lying now mostly in Nashua, though a small portion of it—not much larger than a good-sized potato patch—comes within the limits of Hollis, near the railroad station.

Thirdly, Townsend was deprived of more than one quarter of her territory; and the present towns of Brookline, Mason, and New Ipswich in New Hampshire are enjoying the benefit derived from it.

Fourthly, two of the Canada townships, so called,—now known as Ashburnham and Warwick and Royalston, the last two not at that time incorporated as separate towns,—shared the same fate as the other towns lying along the new line. Ashburnham lost a thousand acres; and Warwick and Royalston, then called “Canada to Roxbury,” or “Roxbury Canada,” a considerably larger slice of land.

Fifthly and lastly, Northfield was deprived of a strip of its territory more than four miles and a half in width, running the whole length of its northern frontier. This portion of the town is now included within the limits of Hinsdale and Winchester, New Hampshire, and of Vernon, Vermont.

Besides these losses a tract of unappropriated land, usually denominated Province land, was transferred to New Hampshire.

On the easterly side of the Merrimack, between the river and the ocean, there had always been much less uncertainty in regard to the divisional line—as, in a general way, it followed the bend of the river—and therefore much less controversy over the jurisdiction.

At the period when the new line was established it was generally thought that the question was permanently settled, but such did not prove to be the fact. Early in the present century, owing to the uncertainty of the line at that time, public attention was again called to the subject. It was claimed by the State of New Hampshire that, in establishing the boundary, Hazen had allowed too many degrees for the variation of the needle, and consequently the

line had been carried too far north, or, in other words, that there was a narrow gore of land lying along the northern boundary of Massachusetts, and coming within the limits of that State, which rightfully belonged to New Hampshire. It was further said that Governor Belcher was responsible for this allowance in the variation of the needle, and that he had given instructions to Hazen to allow this variation in order to circumvent the decree of the King, and to defraud New Hampshire. Fortunately, to refute this charge, the warrant given to Hazen by the Governor is still extant, and shows that no such directions were given; and furthermore, if such directions had been given, it would have added as much territory on the eastern boundary of New Hampshire as was lost by that State on the southern boundary.

In order to settle the disputes at this period between the citizens of the Commonwealth of Massachusetts and those of the State of New Hampshire, the Governor of Massachusetts was authorized by a Resolve of the General Court, on February 24, 1825, to appoint three Commissioners, who were empowered to meet similar Commissioners appointed on the part of New Hampshire; and they were jointly authorized to agree upon such principles respecting the running of the boundary line as to them should seem just and reasonable. Under this authority Lieutenant-Governor Marcus Morton, at that time Acting Governor, in consequence of the death of Governor Eustis, named on May 10, as Commissioners the Honorable Samuel Dana, of Groton; David Cummings, Esq., of Salem; and Ivers Jewett, Esq., of Fitchburg; and they were met by the Honorable Samuel Bell, Henry B. Chase, Esq., and Samuel Dinsmore, Esq., who had been named as Commissioners by the Governor of New Hampshire. Caleb Butler, Esq., of Groton, was appointed Surveyor on the part of Massachusetts, and Eliphalet Hunt, Esq., on the part of New Hampshire; and each one was supplied with an Assistant Surveyor. Under the management of these gentlemen the line was re-surveyed from the Atlantic Ocean to the Connecticut River, but, owing to dis-

agreements between the two Boards of Commissioners, no final conclusions were reached. The Report of the Massachusetts Commission was made to the Governor on January 31, 1827, and that of the other Commission was previously made to the Governor of New Hampshire; and they each recommended practically, though not *totidem verbis*, that the whole matter be indefinitely postponed, as no satisfactory result was likely to be reached at that period.

Nothing further was done by either State looking to the settlement of this vexed question until very recent times. On April 25, 1883, a Resolve was passed by the General Court of Massachusetts, authorizing the Governor to appoint a Commission for the purpose of establishing the boundary line between the two States, which was to act in conjunction with a similar Commission to be appointed by the Governor of New Hampshire. The Commissioners were to reset and replace the monuments wherever necessary, in accordance with the Report of the Commissioners of the Commonwealth made on February 28, 1827. Under the authority of this Resolve, the following Commissioners were appointed: De Witt Farrington, Esq., of Lowell; Alpheus Roberts Brown, Esq., of Somerville; and Clemens Herschel, Esq., of Holyoke. The first two members of this Board were duly qualified, but the third declined. From the want of co-operation on the part of New Hampshire no definite result was reached, and no Report was made to the General Court, as provided for in the Resolve. On June 19, 1885, another Resolve was passed by the Legislature of Massachusetts, authorizing the Governor to appoint a Commission for the purpose of ascertaining and establishing the true jurisdictional boundary line between the two States, which was to act with a similar Commission to be appointed by the Governor of New Hampshire. This Resolve repealed and superseded all previous legislation on the subject; and a new Commission was appointed, consisting of Henry Carter, Esq., of Bradford; George W. Cate, Esq., of Amesbury; and Nelson Spofford, Esq., of Haverhill. The make-

up of this Board was soon changed by the resignation of Mr. Spofford, who was at once appointed surveyor on the part of Massachusetts, and his place filled by George Whitney, Esq., of Royalston. Soon afterward, Mr. Cate resigned, and the vacancy was filled by Edward B. Savage, Esq., of Haverhill.

The Commissioners appointed on the part of New Hampshire were: the Honorable John James Bell, of Exeter; Nathaniel Haven Clark, Esq., of Plaistow; and Charles H. Roberts, Esq., of Concord. The Chairman of the New Hampshire Commission is a member of this Society, and often honors the meetings by his presence.

Each of these two Commissions has presented to the Legislature of its respective State two reports, which are models for clearness and conciseness, and show a thorough investigation of the whole subject; but unfortunately they do not agree in regard to the disputed line. It is understood that they have reached definite and satisfactory conclusions respecting the boundary between the ocean and the Merrimack River; but between this river and the Connecticut they do not concur. So far as that portion of the line is concerned, the matter remains *in statu quo*.

At the present time it does not seem likely that the boundary line between the two States, as it runs from the Merrimack River to the Connecticut, will ever be substantially changed; but perhaps the day may come when it will be definitely marked by monuments on every road, so that the dwellers along the border will know exactly where it lies. For generations the public sentiment of the neighborhood has placed the disputed territory within the limits of the Commonwealth of Massachusetts, and the occupants of the land have always claimed that State as their home. In their opinion they are citizens of Massachusetts, and no judgment based upon the decree of a king, rendered a hundred and fifty years ago, can dispossess them of their birthright. The customs and traditions, that have strained through a century and a half, in their case make a law on this point stronger than any human enactment.

